THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :22023 of 2007

DATED:30-10-2007

BETWEEN:

Suraj Kiran.

..... PETITIONER

AND

The Government of A.P.,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat,
Hyderabad & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in not considering the representation, dated 05-07-2004, made by the petitioner in terms of G.O.Ms.No.455, Revenue (U.C.I.) Department, dated 29-07-2002, as illegal and arbitrary.

3. It is the case of the petitioner that he is in possession of an extent of 800 sq.yards in Sy.No.128F corresponding to new Sy.No.27/AA, T.S.No.17, Ward No.36, Block-I, Mallepalli village, Hyderabad after utilizing an extent of
250 sq.yards for road widening, and to regularize the said land petitioner filed an application before the 2nd respondent-District Collector, Hyderabad on 05-07-2004. It is stated that as per the order of the Government in G.O.Ms.No.455, Revenue (U.C.I) Department, dated
29-07-2002, petitioner is entitled for regularization of the said land on collection of the concessional market value mentioned therein but the learned Government Pleader submits that the G.O.Ms.No.455 applies in respect of the Surplus Urban Ceiling lands but whereas the land in question is not the Surplus Urban Ceiling land and it is the Government land and therefore, the

relevant G.O. that is applicable for regularisation of the Government land in favour of the persons who are in possession of the Government land as encroachers is G.O.Ms.No.1601, dated 29-08-2005. It is stated that on payment of the market value, 4th respondent-Mandal Revenue Officer sent a report in Lr.No.C/867/2004, dated 09-05-2005, to the 3rd respondent-Revenue Divisional Officer, Hyderabad to consider the regularization based on the latest prescribed G.O.Ms.No.455, dated 29-07-2002, and the 3rd respondent inturn sent a report to the 2nd respondent.

4. Learned Government Pleader on instructions submits that as the proposals sent to regularize under the said G.O.Ms.No.455, dated 29-07-2002, are not applicable, 2nd respondent directed the 3rd respondent to send proposals under G.O.Ms.No.1601, dated 29-08-2005, and thus it is stated that the application filed by the petitioner on

05-07-2004 is still pending on the file of the 2nd respondent.

5. Having regard to the facts and circumstances of the case, and in view of the aforesaid representation made by both the counsel 2nd respondent is directed to consider and dispose of the said representation, dated 05-07-2004, in accordance with law as expeditiously as possible without any undue delay.

6. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH,J

30th October, 2007.

Note:

Furnish C.C. of the order within three days.

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